
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

JOCELYN CASTILLO,

Plaintiff,

v.

TONYA GRAMES and RYAN RAMSEY,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 1:19-cv-57-RJS-DAO

Chief Judge Robert J. Shelby

Magistrate Judge Daphne A. Oberg

On June 14, 2020, pro se Plaintiff Jocelyn Castillo filed a Complaint alleging violations of the Americans with Disabilities Act (ADA) and the Utah Antidiscrimination Act (UADA).¹ Castillo alleges that, while employed at Star Cases LLC, d/b/a Zero Manufacturing, Defendants Tonya Grames (Zero Manufacturing's HR Manager) and Ryan Ramsey (Zero Manufacturing's CEO) discriminated against her and ultimately terminated her because of her disabilities.² Defendants moved to dismiss, arguing individuals cannot be sued in their individual capacities for violations of the ADA or the UADA.³ Castillo did not respond to the Motion. Magistrate Judge Daphne Oberg issued a Report and Recommendation (Report) thoroughly discussing the applicable caselaw and recommending that the undersigned grant the Motion to Dismiss and dismiss the claims against Grames and Ramsey with prejudice.⁴ Judge Oberg further

¹ Dkt. 3. On June 27, 2019, the case was referred to Magistrate Judge Evelyn Furse under 28 U.S.C. § 363(b)(1)(B). Dkt. 4. The case was later reassigned to Magistrate Judge Daphne Oberg. Dkt. 15.

² Dkt. 3 at 4.

³ Dkt. 13 at 1–2.

⁴ Dkt. 16 at 7.

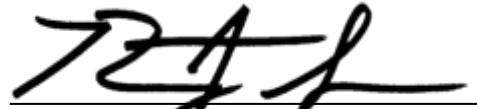
recommended the undersigned afford Castillo thirty days to file an amended complaint naming a proper defendant.⁵

Federal Rule of Civil Procedure 72(b)(2) allows parties to file “specific written objections to the proposed findings and recommendations” within fourteen days after being served with a copy of the recommended disposition. When no objections are filed, the Supreme Court has suggested no further review by the district court is required, but neither is it precluded.⁶ This court generally reviews unobjected to report and recommendations for clear error.⁷

Castillo has not objected to the Report. Accordingly, this court review the Report for clear error. Finding no clear error, the court adopts the Report in full. Although the court grants Defendants’ Motion⁸ and dismisses with prejudice the claims against Ramsey and Grames, Castillo may file within 30 days of the date of this Order an amended complaint naming a proper defendant. If an amended complaint is not filed, the court will close the case.

SO ORDERED this 14th day of August 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'RJL', is written over a horizontal line.

ROBERT J. SHELBY
United States Chief District Judge

⁵ *Id.* at 8.

⁶ *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“The [Federal Magistrate’s Act] does not on its face require any review at all, by either the district court or the court of appeals, of any issue that is not the subject of an objection.”).

⁷ *See, e.g., Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) (“If no objection or only partial objection is made [to a magistrate judge’s report and recommendation], the district court judge reviews those unobjected portions for clear error.”) (citations omitted); *see also* Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citing *Campbell v. U.S. Dist. Court for N. Dist. of Cal.*, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879).

⁸ Dkt. 13.